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חַי AND חֵי.

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To the many mistranslated passages of the Old Testament belongs the frequently occurring oath חַי יהוה, which is generally rendered "as the Lord liveth."

To this translation there are the following objections: (1) Why is it that only God and no mortal swears by his own life (חַי אני)?

(2) Why is it invariably חַי יהוה, but חֵי נפשך, even when, as 1 Sam. xx. 3; xxv. 26; 2 Sam. xi. 11, and 2 Kgs. ii. 2, both phrases are mentioned in one breath?

(3) חֵי can be a noun only, while חַי in חַי יהוה may be either a noun or a verb. There is, however, in either phrase absolutely nothing to suggest the idea of a comparison between the truth that the Lord or the dear person sworn by is living, and the truth of the statement to be affirmed by the oath.

(4) Admitting the usual translation of חַי יהוה to be correct, the name of the Lord is indeed taken in vain in such a formula. For, as these words mean no more than swearing by the truth of a fact, one might as well swear by the life of a worm that happens to creep at his feet; or, for any force added by the fact of life, one might just as well swear by a stick, pointing to it and saying, as that is a stick.

(5) Swearing by the truth of what is, or commonly is believed to be a fact, is something modern. Excepting the one instance in Homer, Il., I., 234, the ancients, so far as I know, did not swear in this way.* The orientals certainly did not. With the ancient Greeks as well as with orientals the oath itself is always omitted, only what the Arabs call the مقسم به, that is the deity or the dear person or thing by which the oath is sworn, being mentioned.

Such are the difficulties which arise from the usual rendering of the words in question. These difficulties might be easily doubled. However, what has been said here will be sufficient to suggest the idea that in חַי יהוה and its kindred

* Even this instance is only a seeming exception. For, as *τόδε σκῆπτρον* is found in the accusative case depending on the particle *μά*, what is sworn by is, not that which is stated of the scepter, but the scepter itself.

expressions חֵי נפשך and חֵי פרעה we have, not an oath in full, but only the مقسم بهٖ in the accusative case.*

But then חי can only be a noun, not a verb,, and that noun is found in חי יהוה in the absolute state, with the name of the Lord in opposition to it, while in חֵי נפשך and חֵי פרעה it is in the construct state.

In Arabic حَيٌّ means a person, and like its English equivalent, is, particularly in writings of an earlier period, not infrequently used pleonastically so that it adds nothing to the meaning of the sentence in which it occurs.† In the Hebrew oath חי has the same meaning and is used in like manner. חי יהוה then means "by the person Yahweh," or "by the person that is Yahweh," i. e., by the person of Yahweh or simply by Yahweh. חַי יהוה is the older formula, hence its rougher construction, while in the later and polite phrases חי נפשך and חי פרעה the smoother construction with the appositive genitive is used.

This explains at once all difficulties, and now we also understand why no mortal swears by himself. For, as the oath is not to be sworn by the mere truth of a fact, but by some dear person, it may be proper to swear by the king even in his absence or, by way of politeness, by the person addressed, but common decency forbids to swear by one's self.‡

The formula of the oath is not the only instance in the Old Testament where חי occurs in that meaning and is so pleonastically used. The word is used in the same manner, Lev. xxv. 36. To prove this, it is necessary to shed light on that whole passage, beginning with v. 35.

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* The Greeks prefixed *μά* to the noun expressive of the مقسم بهٖ. The Arabs, too, have their واو القسم. The Hebrews, as far as can be seen from the Talmud, used no particle in such instances. Compare the Talmudic expressions מֹשֶׁה by Moses, הַפָּעוֹן הַזֶּה by that temple, הָעֲבוֹדָה by the temple service. The noun, so absolutely used, must, of course, be conceived to be in the accusative case.

† وَحَكَوْا هَذَا حَيَّ زَيْدٍ وَأَتَيْتُكَ وحيّ فُلَانٍ قَارِمٌ وحيّ فلانة شَاهِدٌ وَأَنْشَدُوْا يَا قُرَّ إِنَّ أَبَاكَ حَيَّ خُوَيْلِدِ . . . . . وَعَنْ الْأَخْفَش انّه سَمِعَ أَعْرَابِيًا يَقُولُ فِي أَبْيَاتٍ قَالَهُنَّ حيٌّ رَبَاحٍ بِإِقْحَامِ حيٍّ وَالْمَعْنَى هذا زيدٌ وانّ اباك خويلد وقالهنّ رباحٌ Zamachshari, Mufassal, Fasl, 123.

‡ Outside of the Bible, I mean in the Talmud and Midrash, even God never swears by himself, but by the person he addresses. Indeed, swearing by one's self was not considered an oath, but, at most, a vow. This appears from the Mishna, Synhedrin, III., 2. In that passage the Mishna discusses the question, whether the plaintiff who, having a higher claim, has, by way of concession, declared himself satisfied with less than he has a right to exact, can retract or not. In the illustration is mentioned the following case: הָיָה חַיָּב לַחֲבֵרוֹ שְׁבוּעָה וְאָמַר לוֹ הֵר לִי בְּחַיֵּי רֹאשֶׁךָ, if one owes his neighbor an oath, and his neighbor says to him, Make but a vow, by the life of thine own head. From this it is clear that swearing by one's own head was not considered an oath.

The two verses read in the original: וכי ימוך אחיך ומטה ידו עמך והחזקת בו גר ותושב וחי עמך: אל־תקח מאתו נשך ותרבית ויראת מאלהיך וחי אחיך עמך, and are rendered: "If thy brother be waxen poor, and fallen in decay with thee, then thou shalt *relieve* him; yea, though he be a stranger, or a sojourner, that he may live with thee. Take thou no usury of him, or increase, but fear thy God, that thy brother may live with thee."

This is indeed a sad mistranslation, which needs only to be placed by the side of the original, to show the stamp of error. It is owing to two syntactical misconstructions and a misunderstanding of the expressions גר ותושב, והחזקת בו and עמך.* For והחזקת בו is here a legal term with about the same sense as the talmudical החזיק, which means to have a חֲזָקָה or a strong claim upon another man's property. גר ותושב is in the Old Testament invariably a hendiadys denoting a "settled" stranger, in distinction from גר a "transient stranger." Indeed, גר ותושב is the same as תושב, and גר תושב, which latter expression, being the exclusive one in the Talmud to denote the relation of the settled stranger, occurs in the same sense also Lev. xxv. 47. But in this particular instance גר ותושב does not designate a foreigner (for such a one would not be called אחיך, and of him the taking of usury was, according to Deut. xxiii.21, allowed, if not commanded), but a Hebrew who has mortgaged his estate so heavily that the tent he lives in is practically not his own.†‡ וחי is, as has already been said, the construct state of חַי in the meaning of person. As to the syntactical construction, the apodosis does not begin with והחזקת בו, but verse 36, and the final words וְחַי אחיך עמך form a circumstantial clause (حَالٌ).

The correct translation, then, is: If thy brother be waxen poor, and fallen in decay with thee, and thou become master of him, so that his relation to thee be that of a גר תושב,§ and he live depending upon thee, take thou no usury of him, or increase; but fear thy God when (the person of) thy brother is dependent upon thee.

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* The difference of meaning between the prepositions את and עם is this: The former expresses no more than a being together with, while the latter denotes a more or less close relation. Compare Num. xxii. 12 and 20, where the prohibition reads אל תלך עמהם, but the permission לך אתם, which means to say, go with them, but keep thine own mind, and make no common cause with them.

† Cf. also Lev. xxv. 23, where in connection with the prohibition to sell the land for ever, God says to his people כי הארץ לי, mine is the land; for your relation to me is that of גרים ותושבים עמדי ותושבים אתם. This expression, though figurative, shows plainly that a native could, under circumstances, be reduced to the condition of a גר תושב.

‡ גור means to be a stranger, جَارَ to do wrong, and جَارَ to commit adultery. The original meaning of the root is to turn aside from the right path, hence to do wrong. But the right way from any place is the way home, and he who enters another man's tent turns aside. Hence come the Hebrew and Syriac meanings of the root.

§ The data in the Old Testament being insufficient and the Talmud discussing only the religious side of the question, it is impossible at this distance of time and place, to fix the civil relations of the גר תושב.